

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

VINCENT DANIEL HOPPER a/k/a
VINCENT DANIEL HOPPER MARKS a/k/a
ANTOLIN ANDREW MARKS a/k/a WAYNE
RUDDER,

Plaintiff,

v.

NEIL CLARK, *et al.*,

Defendants.

Case No. C06-5282 RBL/KLS

ORDER DENYING PLAINTIFF'S
MOTION TO STAY MOTION TO
DISMISS

This 42 U.S.C. § 1983 civil rights action has been referred to United States Magistrate Judge Karen L. Strombom pursuant to Title 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. Before the Court is Plaintiff's motion to stay consideration of Defendants' motion to dismiss. (Dkt. # 34). After careful review of Plaintiff's motion, Defendants' response (Dkt. # 35), and Plaintiff's reply (Dkt. # 40), the Court finds that the motion should be denied.

I. DISCUSSION

Plaintiff is an immigration detainee at the Northwest Detention Center ("NWDC"). Defendants are employees of the NWDC, which, under contract with the Federal Bureau of Immigration and Customs Enforcement ("BICE"), is owned and operated by The Geo Group Inc.

1 ("GEO"). On July 5, 2006, Plaintiff filed this lawsuit asserting claims against three BICE
2 Defendants and against the seven GEO Defendants, all of whom are or were detention officers at
3 NWDC.

4 On April 6, 2007, Defendants filed their motion to dismiss pursuant to Rule 12(b)(6) or Rule
5 56 and noted same for May 4, 2007. Plaintiff filed this motion on April 12, 2007 (Dkt. # 34), stating
6 that because Defendants clearly rely on matters outside of the Complaint, the motion must be treated
7 as one for summary judgment and he must be allowed time for discovery. The discovery deadline in
8 this case was on March 30, 2007 and the dispositive motions deadline was on April 27, 2007.
9 Plaintiff specifically states that he needs the ICE custody file and the GEO custody file, which
10 contain copies of all the grievances and kites filed by Plaintiff, as well as documents and the checks
11 relating to his claim of payment of monies to him for his work. (*Id.* at 4).

12 The documents sought by Plaintiff were the subject of a motion to compel. (Dkt. # 29). By
13 separate Order, the Court denied that portion of Plaintiff's motion. As to the custody files
14 specifically referred to above, Defendants state that all documents responsive to Plaintiff's requests
15 relating to his reclassification and nonpayment claims are contained in Plaintiff's detainee file and that
16 file has been provided to him. (Dkt. # 38, # 37, ¶ 2).

17 Accordingly, Plaintiff's motion to stay (Dkt. # 34) is **DENIED**.

18
19 DATED this 11th day of May, 2007.

20
21
22 
23 Karen L. Strombom
24 United States Magistrate Judge
25
26